S.B. CR.MISC.BAIL APPL.NO.7222/2007.

Ramniwas
Vs.
State

Date of order : 2/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Dheeraj Tripathi for the petitioner.
Shri Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the offence alleged against the petitioner for offence u/S.16/54 of the Raj.Excise Act is triable by the court of Magistrate of Ist Class, petitioner is behind the bars from October 2007, no useful purpose will be served detaining the petitioner in judicial custody any furthermore as the recovery has already been affected and nothing remains to be recovered from or at the instance of the petitioner. Trial of the case is likely to take long.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Ramniwas S/o Prasadi Lal shall be released on bail in F.I.R. No.36/2007 P.S. Kotputli, Distt.Jaipur for offence under Section 16/54 of the Raj.Excise Act, subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioner is found again indulging himself in similar offence in future, the liberty of bail granted to him shall be liable to be cancelled on prosecution moving the court of sessions for cancellation of his bail.

(MOHAMMAD RAFIQ), J.

anil/-